

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re: TESTOSTERONE)
REPLACEMENT THERAPY) Case No.
PRODUCTS LIABILITY LITIGATION) MDL No. 2545

THIS DOCUMENT RELATES TO ALL CASES

Application of Kathleen C. Chavez for Steering Committee

Pursuant to the Court's Order dated June 12, 2014, (Dkt. #85), Kathleen C. Chavez of FOOTE, MIELKE, CHAVEZ & O'NEIL, LLC, respectfully submits this application for appointment to serve on the Steering Committee on behalf of the Plaintiffs in this action. Ms. Chavez regularly serves in leadership roles, on committees and as a team member in some of the most challenging and transformative complex civil litigation nationwide, many involving healthcare related issues. Most recently, the Honorable R. David Proctor of the United States District Court for the Northern District of Alabama, Southern Division appointed Ms. Chavez as a member of the Plaintiff Steering Committee in *In Re Blue Cross Blue Shield Anti-trust Litigation* MDL 2406. Several other exemplary cases include: *In Re Pharmacy Benefits Manager Antitrust Litigation*, MDL 1782; *In Re Lupron Marketing and Sales Practices Litigation*, MDL 1430; *United States of America ex. rel. Mark Eugene Duxbury et al., v. Ortho Biotech Products, L.P.*, Docket No. 03-CV-12189-RWZ (D. Mass.); *In Re Insurance Brokerage Antitrust Litigation*, MDL 1663; *Tipsword v. I.F.D.A. Services, Inc., et al.*; *In Re Managed Care Litigation* MDL 1344; *Havlish v. bin Laden*, Docket No. 03-MDL- 1570 (S.D. NY); *Bolden v. Walsh Construction Company*, Docket No. 06-cv-4104 (N.D. IL) ; and *Westgate Ford Truck Sales v. Ford Motor Company*, Docket No. 02-CV-483526 (Ohio Cir. Ct.). In these matters, Ms. Chavez actively and competently performed all tasks assigned to her and demonstrated her ability to serve as both a leader and team member. Ms.

Chavez believes that in multi-plaintiff litigation, whether class or mass action, it is imperative that plaintiffs' counsel can cooperate, compromise, organize and effectively utilize its collective time, resources and talents to effectively and efficiently prosecute the claims.

Importantly, Ms. Chavez is a Chicago-based attorney, regularly practices before the United States District Court for the Northern District of Illinois and is a member of the Federal Trial Bar. She is familiar with this Court's local rules and will contribute her substantial experience in all phases of complex civil litigation from inception through appeal. In addition to individual and multi-plaintiff trial work, Ms. Chavez has been trial counsel in three separate class action trials. Ms. Chavez has a demonstrated ability to work cooperatively with Lead Counsel and other counsel for Plaintiffs, as evidenced by her considerable history of serving as Class Counsel in numerous multi-district litigation ("MDL") and complex matters, many of which involve healthcare matters. Ms. Chavez is willing and able to commit her resources and energy to prosecution of these important claims.

A. Ms. Chavez satisfies the requirements to serve on Steering Committee.

Ms. Chavez is counsel of record in the *Mayo v. AbbVie Inc.*, *Abbott Laboratories, Inc.* and *Wilson v. AbbVie Inc.*, *Abbott Laboratories, Inc.*, *Auxilium Pharmaceuticals, Inc.* actions. Ms. Chavez obtained her J.D. from Northwestern University School of Law in 1998. She is a member in good standing of the Illinois State Bar, Seventh Circuit Court of Appeals, United States District Court for the Northern District of Illinois, United States District Court for the Southern District of Illinois, Federal Trial Bar and the Federal Court of Claims. She has extensive experience in MDL, federal and state civil litigation, class action litigation, arbitrations (including class, mass and multi-plaintiff) and litigation before administrative tribunals. For nearly a decade,

Ms. Chavez has been actively involved in numerous complex cases across the country including, but not limited to: *In Re Google AdWords Litigation*, Docket No. 08-CV-03369 (N.D. CA); *Academy of Motion Picture Arts and Sciences v. GoDaddy.com, Inc.*, Docket No. 10-CV-3738 (C.D. CA); *Commonwealth of Kentucky v. 140 Internet Domain Names*, Civil Action No. 08-CI-01409; *Amft v. United States Dep't of Transp.*, EEOC Case No. 210-2004-00139X (2004)(complex class case); *Douglas Powers and Suzan McCarthy, et al., v. U.S. Department of Transportation, Agency*, EEOC Case Nos. 210-2002-6091X (complex class case); *Gennusa, et al. v. Lakewood Homes, Inc.*, Docket No. 08-L-46 (Ill. Cir. Ct.); *Lincoln Adventures, LLC v. Those Certain Underwriters at Lloyd's London*, Docket No. 2:08-cv-00235-CCC-PS; *Dremak, et al. v. Groupon, Inc.*, Docket No. 11-CH-876 (Ill. Cir. Ct.); *In Re Wholesale Grocery Products Antitrust Litigation*, MDL 2090; *McManus, et al. v Countrywide Financial Corp., et al.*, Docket No. 09-CV-1705 (N.D. Ill.); and *In Re U.S. Foodservice, Inc., Price Litigation*, MDL 1894. Ms. Chavez has substantial experience serving as counsel to governmental entities in complex matters, including: representing a group of 24 states against major oil companies in Qui Tam litigation across the country; *State of Colorado, et al, v. ConocoPhillips Company*, Docket No. 12-CV-0451 (CO Cir. Ct.); *State of Montana, et al, v. BP plc, et al.*, Docket No. DDV-2011-193 (MT Cir. Ct.); *State of South Dakota, et al, v. BP plc, et al.*, Docket No. 10-257(S.D. Cir. Ct.); *DeKalb County, et al. v. Federal Housing Finance Agency, et al*, Docket No. 3:12-cv-50227 (N.D. Ill.).

Ms. Chavez is committed and able to advance the litigation, and she is willing to devote the time and resources of herself and her firm. Ms. Chavez requests that this Court appoint her to serve on the Steering Committee on behalf of Plaintiffs.

Dated: July 3, 2014

Respectfully submitted,

FOOTE, MIELKE, CHAVEZ & O'NEIL, LLC

By: /s/KATHLEEN C. CHAVEZ

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